

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NEW JERSEY REGIONAL COUNCIL OF :
CARPENTERS, :

Plaintiff, :

v. :

NEW JERSEY INSTALLATIONS, LLC, :
NJ INTERIORS, LCC :

Defendants. :

Hon. Dennis M. Cavanaugh

ORDER

Civil Action No: 11-5588(DMC)

DENNIS M. CAVANAUGH, U.S.D.J.:

This matter having come before the Court upon motion of New Jersey Installations, LLC (“Defendant”) to dismiss Counts I and II of the Complaint pursuant to Federal Rules of Civil Procedure 12 (b)(6) and 12 (e). Pursuant to Rule 78, no oral argument was heard.

IT IS on this 29th day of August, 2012;

ORDERED that Defendants’ motion to dismiss is **granted with prejudice as to Count One and granted without prejudice as to Count Two**. Plaintiff has the opportunity to refile its Complaint within thirty (30) days of this Order.

S/ Dennis M. Cavanaugh
Dennis M. Cavanaugh, U.S.D.J.

Original: Clerk
cc: All Counsel of Record
Hon. Joseph A. Dickson, U.S.M.J.
File